

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WISCONSIN

MIKAYLA MARIE LERETTE,

Plaintiff,

Case No: 25-CV-183

v.

THE CITY OF SUPERIOR, WISCONSIN, and
THOMAS CHAMPAIGNE

Defendants.

**DEFENDANTS, CITY OF SUPERIOR AND THOMAS CHAMPAIGNE’S ANSWER
AND AFFIRMATIVE DEFENSES TO COMPLAINT**

Defendants, The City of Superior and Thomas Champaigne (collectively “Defendants”), by their attorneys, Crivello, Nichols & Hall, S.C., answer Plaintiff’s Complaint filed March 7, 2025 (ECF No. 1), as follows:

I. NATURE OF ACTION

101. Answering paragraph 101, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon. As further answer, deny the allegations are complete or accurate, and therefore deny, putting plaintiff to her proof thereon.

II. JURISDICTION AND VENUE

201. Answering paragraph 201, admit the jurisdiction of this court is proper, but deny there was any violation of the plaintiff’s Constitutional Rights or violations of the law.

202. Answering paragraph 202, admit the venue of this court is proper, but deny there was any violation of the plaintiff’s Constitutional Rights or violations of the law.

III. PARTIES

A. Plaintiff

301. Answering paragraph 301, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

B. Defendants

302. Answering paragraph 302, admit the City of Superior is a municipality under Wisconsin law and employed the named defendant as a law enforcement officer. As further answer to the remaining allegations, deny any wrongdoing or liability on behalf of these answering defendants, and put plaintiff to her proof thereon.

303. Answering paragraph 303, admit that Thomas Champaigne was a former police captain for the City of Superior Police Department and acted within the scope of his employment consistent with the United States Constitution and law. As to the remaining allegations, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

IV. ALLEGATIONS OF FACT AS TO ALL CAUSES OF ACTION

A. Fair Labor Standards Act Claim

401. Answering paragraph 401, admit.

402. Answering paragraph 402, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

403. Answering paragraph 403, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

404. Answering paragraph 404, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

405. Answering paragraph 405, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

406. Answering paragraph 406, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

407. Answering paragraph 407, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon. As further answer to the remaining allegations, lack information sufficient to form a belief, and therefore deny, putting plaintiff to her proof thereon.

408. Answering paragraph 408, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon. As further answer to the remaining allegations, lack information sufficient to form a belief, and therefore deny, putting plaintiff to her proof thereon.

409. Answering paragraph 409, deny.

410. Answering paragraph 410, deny any wrongdoing or liability on behalf of the answering defendants, and put plaintiff to her proof thereon. As further answer to the

remaining allegations, lack information sufficient to form a belief, and therefore deny, putting plaintiff to her proof thereon.

B. Fourth Amendment Claim

411. Answering paragraph 411, admit.

412. Answering paragraph 412, admit.

413. Answering paragraph 413, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

414. Answering paragraph 414, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

415. Answering paragraph 415, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

416. Answering paragraph 416, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

417. Answering paragraph 417, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

418. Answering paragraph 418, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

419. Answering paragraph 419, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

420. Answering paragraph 420, deny that the practice was unlawful. As to remainder of allegations, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

421. Answering paragraph 421, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

V. BASIS OF LIABILITY

A. Fair Labor Standards Act

1. Lactation Violation

501. Answering paragraph 501, deny.

C. Fourth Amendment

1. Individual Defendant

502. Answering paragraph 502, deny.

2. Sec. 895.46, Wis. Stats.

503. Answering paragraph 503, deny.

VI. DAMAGES

A. Compensatory Damages

601. Answering paragraph 601, deny any wrongdoing or liability on behalf of the answering defendants and deny that plaintiff is entitled to any of the relief requested and put

plaintiff to her proof thereon. As further answer to the remaining allegations, lack information sufficient to form a belief, and therefore deny, putting plaintiff to her proof there on.

D. Punitive Damages

602. Answering paragraph 602, deny any wrongdoing or liability on behalf of the answering defendants and deny that plaintiff is entitled to any of the relief requested and put plaintiff to her proof thereon. As further answer to the remaining allegations, lack information sufficient to form a belief, and therefore deny, putting plaintiff to her proof there on.

VII. CONDITIONS PRECEDENT

701. Answering paragraph 701, lack knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, deny the same putting the plaintiff specifically to her proof thereon.

AFFIRMATIVE DEFENSES

The Defendants, by their attorneys, Crivello, Nichols, & Hall S.C., submit the following affirmative defenses to the plaintiff's Complaint:

- a. All or a portion of plaintiff's Complaint fails to state a claim upon which relief can be granted;
- b. This answering Defendant is immune from suit under common law and statutory immunities and privileges, including qualified immunity and discretionary immunity;
- c. To the extent that Defendant is named in his individual capacity, all or portions of the Complaint must be dismissed due to the lack of the Defendant's personal involvement;
- d. Plaintiff may lack standing to raise the claims asserted in the Complaint;
- e. All or portions of this Complaint must be dismissed for failure to exhaust administrative remedies;
- f. The injuries and damages sustained by the plaintiff, if any, were caused in whole or in part by the acts or omissions of the plaintiff and her failure to mitigate;

- g. The injuries and damages sustained by the plaintiff, if any, were caused in whole or in part by the acts or omissions of persons other than these answering defendants
- h. At all times relevant to matters alleged in plaintiff's Complaint, the defendants acted in good faith and in accordance with established laws and administrative rules;
- i. Plaintiff has failed to provide timely or sufficient notice of claim as required under Wis. Stat. 893.80;
- j. Plaintiff's claims are subject to the limitations, pre-requisites, and immunities contained within Wis. Stat. § 893.80; and
- k. These answering defendants reserve the right to amend this Answer to assert additional defenses as discovery proceeds.

WHEREFORE, Defendants respectfully request judgment as follows:

- a. for a dismissal of the Complaint upon its merits;
- b. for the costs and disbursements of this action;
- c. for reasonable actual attorneys' fees pursuant to 42 U.S.C. § 1988;
- d. for such other relief as this Court deems just and equitable.

DEFENDANTS RESPECTFULLY REQUEST A JURY TRIAL

Dated this 6th day of May, 2025.

CRIVELLO, NICHOLS & HALL, S.C.
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